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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,054	02/26/2004	Yukio Oguma	122.1582	3298
21171	7590	02/21/2008		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER RAHMAN, FAHMIDA	
			ART UNIT 2116	PAPER NUMBER
			MAIL DATE 02/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/786,054

Applicant(s)

OGUMA, YUKIO

Examiner

FAHMIDA RAHMAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application is in condition for allowance except for the following formal matters:

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Correction of the following is required: claim 18 recites "computer readable recording medium" in line 1. However, specification mentions recording medium in line 18 of page 6 and line 16 of page 7. It is not mentioned in the specification that "recording medium" is intended as an "computer readable recording medium".

The disclosure is objected to because of the following informalities:

the specification mentions "system software M4" in lines 14-15, line 21, line 25 of page 12, line 34, lines 35-36 of page 18, line 7 of page 27. However, system software is labeled with M5 in Fig 1.

Boot firmware in Fig 7 is labeled with M1. However, it is written as "boot firmware M5" in line 3 of page 24.

Line 2 of page 18 mentions "boot-disk-unit-index". However, Fig 1 shows "boot-device-index".

Appropriate correction is required.

Claim Objections

Claims 1, 3-18 are objected to because of the following informalities:

Claim 1 recites "the other boot device" in line 23, which should be changed to "said another boot device" as line 21 recites "another boot device".

Claim 14 recites "another device" in line 5, which should be changed to "said another device" as "another device" is recited in claim 1, line 21.

Claims 11, 14 recite "an abnormality" in line 2 and line 5 respectively, which should be changed to "said abnormality" as "abnormality" is recited in line 19 of claim 1.

Claims 3-16 recite "An apparatus" in line 1, which should be changed to "The apparatus" as parent claim 1 recite "An apparatus".

Claim 17 recites "the other boot device" in line 20, which should be changed to "said another boot device" as line 18 recites "another boot device".

Claim 18 recites "the process" in lines 4-5, which should be changed to "a process".

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Claim 18 recites "the other boot device" in lines 22-23, which should be changed to "said another boot device" as line 21 recites "another boot device".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "said operating system" in line 12 and line 23 and "operating systems" in line 2. The two operating systems recited in line 12 and line 23 should be different as they are stored in different devices. Additionally, it is not clear whether "operating system" mentioned in line 12 and line 23 has any relation to the "operating systems" recited in line 2. It is necessary to establish the relationship to overcome ambiguity.

Claims 3-16 depend on claim 1. Thus, they carry the ambiguity of claim 1.

Claim 9 recites "there is said third variable data" in line 2. Claim 1 recites "third variable data", which can either be "valid" or "not valid". Claim 9 should particularly point out whether third variable data is valid or not. Thus, claim 9 should recite "when there is valid said third variable data".

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Claim 17 recites "said operating system" in line 10 and line 19 and "operating systems" in line 3. The two operating systems recited in line 10 and line 19 should be different as they are stored in different devices. Additionally, it is not clear whether "operating system" mentioned in line 10 and line 19 has any relation to the "operating systems" recited in line 3. It is necessary to establish the relationship to overcome ambiguity.

Claim 18 recites "said operating system" in line 13 and line 22 and "operating systems" in line 3. The two operating systems recited in line 13 and line 22 should be different as they are stored in different devices. Additionally, it is not clear whether "operating system" mentioned in line 13 and line 22 has any relation to the "operating systems" recited in line 3. It is necessary to establish the relationship to overcome ambiguity.

Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

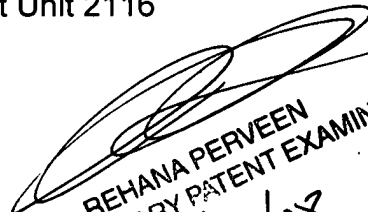
A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to FAHMIDA RAHMAN whose telephone number is (571)272-8159. The examiner can normally be reached on Monday through Friday 8:30 -6:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fahmida Rahman
Examiner
Art Unit 2116


REHANA PERVEEN
SUPERVISORY PATENT EXAMINER
2/19/08